

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**Sitcha Richard,  
(A95 461 653), Petitioner**

V.

**Frederick MacDonald, High  
Sheriff, Franklin County  
House of Corrections; Tom  
Ridge, Secretary, Department  
of Homeland Security; Michael  
Garcia, Assistant Secretary  
(Designee), Bureau of Immigration  
and Customs Enforcement (ICE);  
Eduardo Aguire, Acting Director,  
Bureau of Citizenship and  
Immigration Services (“CIS”);  
Bruce Chadbourne, Interim Director,  
ICE, Boston, Respondents**

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) Case No. 04-CV-300090-MAP

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FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

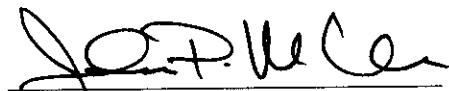
**MOTION IN OPPOSITION TO DEFENDANTS' MOTION TO LIFT STAY AND  
REQUEST FOR STAY OF DEPORTATION PENDING 60 DAY APPEAL  
PERIOD, PURSUANT TO F.R.A.P. RULE 4(a)(1)(B)**

I, John P. McKenna as Counsel for the Petitioner, Sitcha Richard, respectfully request the Court to continue the Stay of Deportation pending exhaustion of the sixty (60) day statutory appeal period.

F.R.A.P. Rule 4(a)(1)(B), states “When the United States or its officer or Agency is a party, the notice of appeal may be filed by any party within 60 days after the judgment or order appealed from is entered.” On March 31<sup>st</sup> 2005, the Honorable District Court Justice Michael A. Ponsor dismissed the Petitioner’s Petition for Habeas Corpus. The Petitioner is actively in the process of securing counsel to represent his interests on the possibility of an appeal to the United States 1<sup>st</sup> Circuit Court of Appeals.

I would respectfully ask the Court to continue the Stay of Deportation and allow the Petitioner to remain in the United States during the period of March 31<sup>st</sup> through May 30<sup>th</sup> 2005 for purposes of securing counsel during this 60(sixty)day appeal period.

Respectfully submitted,



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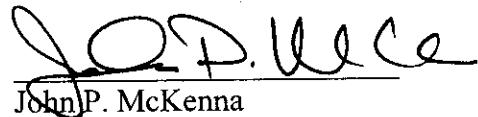
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Certificate of Service

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I hereby certify that I served a copy of the foregoing motion, by hand delivery,  
this 18th day of April 2005 on:

Assistant United States Attorney  
Karen Goodwin  
U.S. Attorney's Office  
1550 Main Street, Room 310  
Springfield, MA 01103



John P. McKenna